

ORIGINAL

DEARCY HALL, J.

SCANLON, M.J.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ APR 26 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

CV 19 - 2573

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

Ruslan Mirvis

Plaintiff,

[Insert full name of plaintiff/prisoner]

JURY DEMAND

YES ☒ NO ☐

-against-

Herman Quay (Warden)
Federal Bureau of Prisons (FBOP)
E. Garcia (Assoc. Warden)
Jonathan White (Captain)
Lieutenant Poe
Lieutenant Metzger
Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

I. Parties: (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Ruslan Mirvis

If you are incarcerated, provide the name of the facility and address:

MDC Brooklyn; P.O Box 329002; Brooklyn, NY 11232
(Unit R-84)

Prisoner ID Number: 90101-053

if you are not incarcerated, provide your current address:

Telephone Number: _____

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

Herman Quay
Full Name

Warden
Job Title

MDC Brooklyn; PO Box 329002; Brooklyn, NY
11232
Address

Defendant No. 2

Federal Bureau of Prisons (F.B.P.)
Full Name

Job Title

MDC Brooklyn; PO Box 329002; Brooklyn, NY
11232
Address

Defendant No. 3

E. Garcia
Full Name

Associate Warden
Job Title

MDC Brooklyn, P.O. Box 329002; Brooklyn

Defendant No. 4

NY, 11232
Address

Jonathan White
Full Name

Captain
Job Title

MDC Brooklyn; P.O. Box 329002; Brooklyn, NY

11232
Address

Defendant No. 5

Lieutenant Poe and Lieutenant Metzger
Full Name

Lieutenants
Job Title

MDC Brooklyn; P.O. Box 329002; Brooklyn, NY

11232
Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? Federal Bureau of Prisons (FBI)
at Metropolitan Detention Center (MDC) Brooklyn

When did the events happen? (include approximate time and date) 1) June 6 - July 7, 2017;
2) January 27 - February 3, 2019; 3) February 4-6, 2019; June 6, 2017 - February 6, 2019

Facts: (what happened?) See attached documents.

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

The physical injuries were fractured ribs, which healed, extracted tooth

~~and a broken tooth.~~ In addition suffered mental abuse and trauma.

As a result, I'm receiving medication to deal with my insomnia, panic attacks and nightmares. I'm also seeing a psychologist on a regular

basis. I have been diagnosed with depression and PTSD by MDC Psychiatrist

III. Relief: State what relief you are seeking if you prevail on your complaint.

The relief I'm seeking is the sum of five (5) million dollars for the irreparable physical and mental pain I have endured while housed at this facility. In addition, an investigation by the Department of Justice as to the inhumane treatment and conditions that exist at MDC Brooklyn

I declare under penalty of perjury that on March 8, 2019, I delivered this complaint to prison authorities at MDC Brooklyn to be mailed to the United States District Court for the Eastern District of New York.
(date) (name of prison)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____


Signature of Plaintiff

Name of Prison Facility or Address if not incarcerated

Address

90101-053
Prisoner ID#

Facts

(1)

From June 6, 2017 until July 7, 2017, I was extorted, physically assaulted and sexually assaulted by 2 members of the Bloods Gang in Unit J-72 while under the care and custody of the TBOP at MDC Brooklyn.

It commenced when an unknown inmate tried to force me into purchasing a pair of sneakers for him from commissary. When I protested, inmate, William Rayvaughn (98111-0537), a member of the Blood Gangs, came to my aid. I since realized this was a set-up. As a result of his assistance, he indicated to me I owed him. He required \$100 for protection a week later. When I refused, ~~for~~ inmate, Rayvaughn and Brandon Overby (90001-0527), another member of the Blood Gangs, jumped me and demanded \$150 a piece be sent to them or the abuse would continue. My mother forwarded to them the funds. The abuse didn't subside after they received payment.

A week after receiving the monies, both came back to my cell and threatened to harm me and my family if payments were not

(a)

forthcoming every two (a) weeks. Furthermore, they took my commissary. When the payment was not received, they paid me a visit and began physically assaulting me. Brandon held me down while William stuck an item in my rectum. I was at a loss. My screams for help went unanswered. The following week they came back again and administered a brutal beating fracturing my ribs and again placing another object in my rectum. To add insult to injury, they requested a payment of four (4) thousand dollars or the abuse would continue and extend to my family on the outside.

That evening around 11pm I pushed the panick button seeking help. An officer arrived and I explained to him the series of events and shown him the bruises. He stated he would be right back. The officer never came back. When the cell was unlocked at 6am, I immediately reached out to the CO on duty crying for help, literally. The officer, not the one who I spoke to that evening, escorted me to SIS.

(3)

Once I arrived at the SIS location, I attempted to explain what transpired over the last month. Lieutenant, Poe, showed no interest at all in what happened to me. He was more focused on my charges in my case than the abuse I sustained. He had the audacity to laugh at me while I explained this traumatic event. Another Lieutenant, Metzger, informed me that I should learn to defend myself. They subsequently left and I was escorted to medical to have pictures taken of my injuries. I complained about severe pain I was experiencing in my rib region and my mouth. I was administered aspirin and placed in the SHU.

For one month I was in the SHU. During that time I continued to complain about my ribs and swelling in my mouth. No attention was given to my outcry. After a month, x-Rays were finally taken and it was discovered I had three (3) fractured ribs and my tooth was extracted.

On January 27, 2019 at 12:45 pm, the power went out in the West building at MDC Brooklyn. The cause was an electrical fire. From 1/27/19 thru 2/3/19, my unit K-84 and the entire building was without heat, hot water and electricity. We were locked in our cells for the majority of the day and only allowed out to grab the meal and take a shower. This was sporadic at best. Not once did administration inform us of what occurred. It wasn't until an article appeared in the New York Times that explained our plight that the administration at MDC actually started to move. At that point, there were daily protest by the public, media coverage and visits by the elected officials to view these inhumane conditions. As a result, on 2/3/19, some 8 days later, at 9am a Captain and Assist Warden informed my unit of what happened.

During the week of 1/27/19 - 2/3/19, my mother had a double mastectomy. I made a request to both the CO on duty and a Lieutenant if there was a way to contact her. Their response was that only thru the Chaplain provided she expired. I was shocked. However, it was expected by employees at MDC Brooklyn.

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On February 5, 2019, when power was fully back on, I was experiencing numbness on my left side and vomited blood up. I informed the CO Calixte and Lieutenant Metzger arrived. When she arrived, I explained to her my symptoms. Her response was that "I'm sick in the head". She mocked me by pointing to her head. Absolutely nothing was done. The very next day I was taken to the hospital and diagnosed with a hole in my stomach and a pinch nerve on my left side. I spent 3 days in the hospital. Prior to this incident, I was recovering from emergency surgery I had on 12/28/18 to remove a ruptured gall bladder and a blood clot.

These incidents exhibit a culture of neglect that is illustrated by the administration at MDC Brooklyn. At FBO P facilities and MDC Brooklyn, inmates phones, mail and computer use are monitored. During that month of my initial incident, numerous calls and emails were sent to my family informing them of the abuse and extortion. I even notified the CO on duty. This institution had actual and constructive

⑥

Knowledge of what was going on but chose to do nothing. This attitude was further illustrated by the Lieutenants who chose not to take my claims of physical and sexual abuse seriously or my cry for assistance from health service. Finally, the administration's failure to notify us of what happened during that week of the power outage and the inhumane conditions we were subjected to. Furthermore, the response to my request to contact my mother.

The actions by this administration illustrates the systematic disregard for me and other inmates at MDC Brooklyn. These actions have subjected me to physical and mental abuse. As a result, I have to take all sorts of medication and seek psychological assistance just to maintain my existence. I have suffered irreparable harm.